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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/25/2000

Theodore Jack London Shrader

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01/26/2009

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EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3685

NOTIFICATION DATE

DELIVERY MODE

01/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: THEODORE JACK LONDON SHRADER
AND UMESH GOPALDAS KHATWANI

Application No. 09/578,751
Technology Center 3621

Mailed: January 26, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed July 10, 2007 reveals that claim 10 in the Claims appendix of the Appeal Brief is not in proper format and/or are not consistent as amended in the last entered amendment filed on March 16, 2005. The copy of the claim should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii).

Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 10, line 9, as provided in the Brief's Claims Appendix, reads: "associated price value, and a **ary** source; and".

However, in the last entered Amendment dated March 16, 2005, claim 10, line 10, and reads: "and a **secondary** source; and". Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

EXAMINER'S ANSWER

On June 13, 2007, an Examiner's Answer was entered into the record. On page 3 of the Examiner's Answer, the examiner cites "How the Internet Works, Millunium Ed., Que Corporation, 8/1999, by Gralla" as prior art. However, a copy of the article is missing from the electronic file.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) correction of the Claims Appendix of the Brief filed July 10, 2007;
- 2) to enter article "How the Internet Works, Millunium Ed., Que Corporation, 8/1999, by Gralla" into the electronic file; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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